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## The False Claims Act: 2011 Year-In-Review

2012-01-06

The last few years have ushered in an unprecedented wave of activity by Congress, the Obama Administration, and the courts in the False Claims Act (FCA) arena. This renewed focus by all three means that companies doing business with the federal government must remain vigilant to avoid liability. The 2009 and 2010 amendments to the FCA are giving rise to new and expanded legal theories. The growing number of FCA cases means that courts will continue to have numerous opportunities to redraw the boundaries of the Act. And the Obama Administration has shown no signs of backing off from its aggressive enforcement of the Act, including its efforts to increase the number and size of blockbuster settlements. Since January 2009, the Department of Justice (DOJ) has recovered \$8.7 billion through FCA cases—the largest three-year recovery total in the Department's history and more than one-fourth of the total FCA recoveries over the last 25 years.

Companies should pay attention to these developments and strengthen their internal compliance programs to resolve potential problems early and internally—before they lead to protracted litigation and potentially hefty fines and other penalties. To help our clients stay ahead of the curve, WilmerHale provides updates about significant changes in FCA law, analyzing what these developments mean as a practical matter, and

suggesting compliance tips to avoid potential liability. At the end of each year, we will look back and identify major developments and translate these into compliance tips.

Click on the pdf link above to view our False Claims Act 2011 Year-In-Review. First, we summarize the FCA and the key provisions that every company working with the government should know. Next, we explain Congress's watershed FCA amendments during the last few years. Then, we discuss the Obama Administration's stepped-up enforcement activities. From there, we analyze the important decisions rendered by the US Supreme Court and other federal courts that are reshaping the contours of FCA law. Finally, we synthesize all of this information to identify some key trends in the FCA arena and suggest some tips for 2012.

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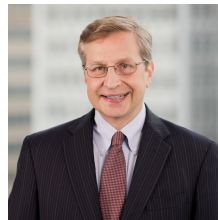
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